

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

DEAN VON GERMETEN,

Case No. 17-cv-167-pp

Plaintiff,

v.

PLANET HOME LENDING, LLC, *et al.*,

Defendants.

**ORDER REQUIRING PLAINTIFF TO PAY PARTIAL FILING FEE
IN A FORM ACCEPTABLE TO THE COURT BY THE END
OF THE DAY ON MARCH 23, 2018**

On January 29, 2018, the court issued an order requiring, among other things, that the plaintiff pay a partial filing fee of \$200 by the end of the day on March 23, 2018. Dkt. No. 52.

On February 12, 2018, the court received from the plaintiff a document entitled amended complaint. Dkt. No 56. With this document, the plaintiff sent an undated letter, addressed to Judge Pepper. Dkt. No. 56-2. The letter contained a series of statements about Federal Reserve notes and mortgages and negotiable instruments and currency and full faith and credit. At the end of this string of statements, the plaintiff stated that he “would like to tender the below payment instrument to the court to cover fees & charges as may be due, which the court may monetize through those channels it may have access to, without creating further obligations by or to the United States of America or injury to [himself].” Id.

On the same sheet of paper, under the text of the letter and the plaintiff's typed name, there appears a rectangle. At the top of the rectangle, the words "MONEY ORDER" appear, and to the right of those words is a twelve-digit number. The information inside the rectangle is laid out the way one might expect a check or money order to be laid out—there is a field for the date (in which the plaintiff wrote "Feb. 10, 2018," a field for the payee (whom he listed as the clerk of court), a field for the amount (both in words and in numerals—the plaintiff put "Two-hundred dollars and zero cents" and "\$200.00" in these fields, respectively), a memo field and a signature line. Id. At the bottom of the rectangle appear the initials "EIN/SSN," and to the right of those initials, a black rectangle which looks as if it was used to redact information. Id.

This document does not constitute a form of payment acceptable by the office of the clerk of court for the Eastern District of Wisconsin. The clerk's office lists on the court web site the forms of payment it accepts: cash; personal and business checks, money orders, cashier's checks; credit cards; bank account ACH transfers; and Fedwire Wire transfers. See <http://www.wied.uscourts.gov/making-payments>. In order for the clerk's office to accept checks, money orders or cashier's checks, they must be drawn on bank accounts holding funds; the clerk's office charges a fee of \$53 for returned or NSF checks.

If the plaintiff wishes to use the court system to pursue his claims, then he must pay the required filing fee in a form accepted by the court in order to proceed. The court's February 12, 2018 order gave the plaintiff a deadline of

March 23, 2018 by which to pay the \$200 partial filing fee. If the clerk's office does not receive a filing fee of \$200 in legal tender—U.S. dollars, or a check or money order drawn on a valid bank account—by the end of the day on March 23, 2018, the court will dismiss the plaintiff's case for failure to pay the required filing fee.

In the event that the plaintiff does pay the filing fee in a form the court can accept, the court notes some other issues. First, the amended complaint that the court received from the plaintiff on February 12, 2018 is not signed. Federal Rule of Civil Procedure 11(a) requires that “[e]very pleading, written motion, or other paper must be signed by at least one attorney of record in the attorney's name—or by a party personally if the party is unrepresented.” The rule also requires the signer to include his address, e-mail address and telephone number. The rule states, “The court must strike an unsigned paper unless the omission is promptly corrected after being called to the attorney's or party's attention.” Even if the court receives the filing fee in a form which the court can accept, the court still may strike the plaintiff's amended complaint if he does not file a signed version, containing his address, email address and telephone number.

Second, in its February 12, 2018 order, the court instructed the plaintiff to submit the amended complaint on the court's form. Dkt. No. 52 at 10. The court even sent the plaintiff a blank copy of the form, and gave him instructions on how to complete that form. The plaintiff ignored both the form

and the court's instructions, instead filing twenty-one typewritten pages of his own creation. Dkt. No. 56.

Third, the February 12, 2018 order told the plaintiff that the court could not figure out what federal laws the plaintiff thought the defendants had violated. It instructed the plaintiff to tell the court, in the amended complaint, what laws or constitutional provisions he believed the defendant had violated. In the (unsigned) amended complaint, the plaintiff does list four statutes. He starts with 18 U.S.C. §1005. Id. at 2. That is a *criminal* statute. Only the government—specifically, the Department of Justice—can bring criminal charges. There is no private right of action under 18 U.S.C. §1005. The same is true for several other statutes the plaintiff cites: 18 U.S.C. §§42, 371, 1341, 1346, 1349 and 1961. The court has not reviewed, or “screened,” the other, non-criminal causes of action the plaintiff has alleged. It will do so after it receives the filing fee from the plaintiff, and after it receives an amended complaint that complies with Fed. R. Civ. P. 11(a).

The court **ORDERS** that, in time for the court to receive it by the end of the day on **March 23, 2018**, the plaintiff shall pay the \$200 partial filing fee, in a form that the clerk's office accepts. The court **ORDERS** that if the plaintiff

does not pay the \$200 filing fee by the end of the day on March 23, 2018 in a form the clerk's office can accept, the court will dismiss the case for failure to pay the required fee.

Dated in Milwaukee, Wisconsin this 26th day of February, 2018.

BY THE COURT:



HON. PAMELA PEPPER
United States District Judge